

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 31, 2005

DIVISION ONE

B176690 RF Video Inc., et al. (Not for Publication)

v.

Dream Stage Entertainment, Inc.

We affirm the judgment and award the costs to Dream Stage.

Spencer, P.J.

I concur: Suzukawa, J. (Assigned)

I concur in the judgment only: Vogel (Miriam A.), J.

B175593 People (Not for Publication)

v.

Mark Ryan

The judgment is affirmed.

Spencer, P.J.

We concur: Rothschild, J.

Suzukawa, J. (Assigned)

B176923 People (Not for Publication)

v.

Richard J. Espinoza

The judgment is affirmed.

Spencer, P.J.

I concur: Rothschild, J.

I concur in the judgment only: Vogel (Miriam A.), J.

May 31, 2005 (Continued)

DIVISION ONE (Continued)

B176009 People (Not for Publication)
v.
Roberta Brambila

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Rothschild, J.

B177153 People (Not for Publication)
v.
Jonathan Aragon

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Rothschild, J.

B175658 Quiksilver, Inc. (Not for Publication)
v.
Shoe Fantasy

The order of dismissal is reversed and the matter is remanded to the trial court with directions to reinstate the third complaint and direct Shoe Fantasy to answer. Quicksilver is awarded its costs.

Rothschild, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B178218 Los Angeles County, D.C.S. (Not for Publication)
v.
Jose M.

We therefore affirm the order terminating parental rights.

Spencer, P.J.

I concur: Rothschild, J.

I concur in the judgment only: Vogel (Miriam A.), J.

B174618 People (Not for Publication)
v.
Jeffrey Bryant

The judgment is affirmed.

Rothschild, J.

We concur: Spencer, P.J.

Vogel (Miriam A.), J.

B173992 People (Not for Publication)
v.
Alberto F. Diaz

The judgment is affirmed.

Rothschild, J.

We concur: Spencer, P.J.

Suzukawa, J. (Assigned)

May 31, 2005 (Continued)

DIVISION ONE (Continued)

B173280 Richard Kaye (Not for Publication)
 v.
 Jack Rosen et al.

The judgment and the post-judgment order on attorney fees and costs are affirmed. The parties are to bear their own costs on appeal.

Rothschild, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

B182532 S&W Waterproofing, Inc. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Gary Gorman et al., r.p.i.)

THE COURT:

Therefore, let a peremptory writ issue, commanding respondent superior court to vacate its order denying the motions to continue the trial date, and to issue a new and different order granting same, setting a trial date that will provide petitioner's new trial counsel with a reasonable amount of time to prepare to for trial, in Los Angeles Superior Court case No. YC043494, entitled Gary Gorman et al. v. Komick & Bourgeois, LLC et al. The temporary stay order is hereby terminated. All parties shall bear their own costs.

Spencer, P.J. Vogel (Miriam A.), J. Suzukawa, J. (Assigned)

DIVISION TWO

B177303 Belz
 v.
 Namay

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed August 6, 2004) dismissed.

DIVISION THREE

B177560 Brad Cofield, et al. (Not for Publication)
 v.
 Miguel A. Dilella, Sr. et al.

The order denying the motion to vacate the dismissal is reversed and the case remanded with directions that the trial court conduct such further proceedings as are appropriate and not inconsistent with the views expressed herein. The parties shall each bear their own costs on appeal.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

B170750 The People (Not for Publication)
 v.
 Vincent Michael Quaranta

We order the judgment modified to reflect two section 667, subdivision (a)(1) five-year enhancements. The clerk of the superior court is directed to prepare an amended abstract of judgment reflecting this change, and to forward a copy to the Department of Corrections. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B172751 People (Not for Publication)
 v.
 Mark Richmond Hatten

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

DIVISION THREE (Continued)

B178090 Los Angeles County, D.C.S. (Not for Publication)

v.

Marites S. and Sherry V. L.,

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.

Aldrich, J.

B167257 Gene Z. Salkind, as Trustee, etc. (Not for Publication)

v.

Mariana Donlovic and Ditital Media X.,

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Klein, P.J.

Aldrich, J.

B173641 Kristi Sunderland and Robert Sunderland

v.

Lockheed Martin Aeronautical Systems Support Company

Filed order vacating submission order of February 9, 2005. Due to press of other court business and the complexity of the issues, additional time is needed to complete and file the opinion in this matter.. Cause resubmitted.

May 31, 2005 (Continued)

DIVISION THREE (Continued)

B168657 People (Certified for Partial Publication)
v.
Jesus Manuel Tapia

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B157012 Eva M. Wheat (Not for Publication)
v.
Jerald E. Wheat

The provisions of the judgment relating to a real property asset the parties owned as community property, the Laughlin, Nevada condominium, are reversed, and the matter is remanded with directions for the trial court to take evidence on amounts of separate property funds appellant Jerald E. Wheat used to acquire the Laughlin, Nevada condominium before separate (sec. 2640,sudb.(b)), and on amounts of separate property funds he used to pay community obligations to preserve and maintain the Laughlin condominium after he and respondent Eva M. Wheat separated. The judgment is affirmed in all other respects. Respondent Eva M. Wheat's request for an award of attorney fees on appeal is denied. The parties are to bear their own costs on appeal.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

May 31, 2005 (Continued)

DIVISION THREE (Continued)

B168163 William F. Bothwell et al. (Not for Publication)
 v.
 Abbott Laboratories, Inc. et al.

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

B171419 The People (Certified for Partial Publication)
 v.
 Pacific Landmark, etc. et al

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
 Croskey, J.

DIVISION FOUR

B170208 People (Not for Publication)
 v.
 Christopher L.

That true finding in count 2 that the damage exceeded \$400 is reversed and the matter is remanded to the trial court for further proceedings consistent with this opinion; in all other respects, the judgment is affirmed.

Curry, J.

We concur: Hastings, Acting P.J.
 Willhite, J.

May 31, 2005 (Continued)

DIVISION FOUR (Continued)

B170351 People (Not for Publication)
v.
Nava

The judgment is affirmed.

Hastings, Acting P.J.

We concur: Curry, J.
Willhite, J.

DIVISION FIVE

B174101 Anne Trop (Certified for Publication)
v.
Sony Pictures Entertainment Inc. et al.,

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J.

I concur: Turner, P.J.
I dissent: Mosk, J. (Opinion)

B177834 People (Not for Publication)
v.
Troy J. Strand

The judgment is affirmed.

Armstrong, Acting P.J.

We concur: Mosk, J.
Kriegler, J.

May 31, 2005 (Continued)

DIVISION FIVE (Continued)

B179759 People (Not for Publication)
v.
Joe Luis Gonzalez

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

B172578 Martha Ramos (Not for Publication)
v.
George Vandewater et al.,

The judgment is conditionally reversed, subject to the trial court's reconsideration of Ramos's motion for new trial on the ground of jury misconduct. The order denying Ramos's motion for a new trial is vacated, and the matter is remanded to the trial court, with directions to conduct a new hearing on the motion for new trial in accordance with the views expressed in this opinion. The trial court is instructed to admit the declarations, weight the declarations with all other relevant matter, and allow examination of jurors if necessary to resolve factual conflicts. If, upon reconsideration, the motion for new trial is denied, the trial court shall reinstate its original judgment. The parties shall bear their own costs on appeal.

Kriegler, J.

We concur: Armstrong, Acting P.J.
Mosk, J.

May 31, 2005 (Continued)

DIVISION FIVE (Continued)

B176500 People (Not for Publication)
v.
Randy Lee Hart

The judgment is affirmed.

Kriegler, J.

I concur: Armstrong, Acting P.J.
I dissent: Mosk, J. (Opinion)

B177786 Nancy Knupfer
v.
Flagstar Bank

Filed order denying petition for rehearing.

**ADD THE FOLLOWING ENTRY TO MINUTES OF DIVISION
FIVE FOR NOVEMBER 22, 2004**

B176981 People
 v.
 Maureen Cross

Filed order vacating submission order of October 4, 2004. This is because there will be a hearing in superior court concerning allegations of ineffective assistance of defense counsel and the parties have been provided with the opportunity to orally argue the issue on January 31, 2005 at 1:00 p.m. The cause will be resubmitted at the conclusion of oral argument unless it is waived.

May 31, 2005 (Continued)

DIVISION FIVE (Continued)

**ADD THE FOLLOWING ENTRY TO MINUTES OF DIVISION
FIVE FOR MARCH 15, 2005**

B176981 People
v.
Maureen Cross

Filed order vacating submission order of January 31, 2005. The court has ordered appointed counsel to file a new notice of appeal and related documents due to the failure of defendant's trial attorney to have done so. This will necessitate delays of up to 60 days from March 30, 2005, in completing this task. Therefore, the submission and the cause will be resubmitted effective May 30, 2005.

DIVISION SIX

B175098 People (Not for Publication)
v.
Davalos

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B180869 People (Not for Publication)
v.
Coleman

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

DIVISION SIX (Continued)

B176191 People (Not for Publication)
 v.
 Monroy

The judgment is modified to reflect an award of 811 days of presentence custody credits. The trial court shall amend the abstract of judgment accordingly, and forward the amended abstract to the Department of Corrections. The judgment is otherwise affirmed.

Gilbert, P.J.

We concur: Yegan, J.
 Perren, J.

B174604 Sabiron (Not for Publication)
 v.
 Gregory et al.,

The judgment is affirmed. Costs to respondents.

Gilbert, P.J.

We concur: Yegan, J.
 Perren, J.

B168013 Bashkin (Not for Publication)
 v.
 Blase, etc., et al.,

The judgment is affirmed. Respondents shall recover their costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
 Perren, J.

DIVISION SIX (Continued)

B159344 Bashkin (Not for Publication)
v.
Blase, etc., et al.

The order denying appellant's motion to disqualify Musick is affirmed. The appeal from the order denying appellant's motion to disqualify Glickman is dismissed as moot. The purported appeal from the order denying appellant's motion to disqualify the trial judge is dismissed as having been taken from a nonappealable order. Respondents shall recover their costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

B173714 People (Not for Publication)
v.
Cummings et al.,

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

B178316 People (Not for Publication)
v.
Solano

The order is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

May 31, 2005 (Continued)

DIVISION SEVEN

B164706 People
 v.
 Wallace

Filed order denying petition for rehearing.

DIVISION EIGHT

B170291 People (Not for Publication)
 v.
 Murguia

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
 Flier, J.